IN THE HIGH COURT OF UTTARANCHAL
AT NAINITAL
ORIGINAL JURISDICTION

Dated: Nainital: the 9th day of December 2005

Bail Application No. 1145 of 2005

Order on the bail application of accused

CRIMINAL SIDE

Nand Ram S/o Sri Roshan Lal
R/o Village Navka
P.S. Afazalgarh
District Bijnor, U.P. …Applicant

Versus

State of Uttaranchal …Opposite Party

Arising out of Case Crime No. 2330 of 2005
Under Sections 363, 365, 34 I.P.C.
P.S. Kashipur
District Udham Singh Nagar

By the court

Hon'ble B.C. Kandpal,J.

The applicant has applied for bail in case crime No. 2330 of 2005 Under Sections 363, 365, 34 I.P.C. P.S. Kashipur, District Udham Singh Nagar.

Heard Sri Dharamveer Sharma learned senior counsel assisted by Mohd. Azim, learned counsel for the applicant, learned A.G.A. and perused the record.

The record reveals that the First Information Repost was lodged after a period of 39 days. The medical examination report of the prosecutrix shows that she was between 16 to 18 years of age at the time of the occurrence. The applicant has not been attributed the role of committing the rape upon the prosecutrix.

The applicant is in jail since July 2005 and learned A.G.A. could not produce any criminal history of the applicant before me.

Having considered the aforesaid facts and circumstances of the case, I think, it would be just and proper to release the applicant on bail at this stage.

Let the applicant Nand Ram be released on bail on his executing a personal bond and furnishing two sureties each in the like amount to the satisfaction of Magistrate concerned.

(B.C. Kandpal)

09.12.2005
ASWAL